

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

ANTHONY DOUGLAS ECHOLS,

Petitioner,

vs.

JAMES BENEDITTI, *et al.*,

Respondents.

3:10-cv-00340-LRH-VPC

**ORDER**

This action is a petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254, by a Nevada state prisoner.

Petitioner has paid the filing fee for this action. (Docket #4). Petitioner has filed a motion for procedural orders (Docket #1-2), in which he requests that the petition be served on the Office of the Nevada Attorney General. The Court has reviewed the petition and has determined that the petition shall be served. As such, petitioner's motion for procedural orders is granted.

Petitioner has filed a motion for the appointment of counsel, along with the affidavit of attorney Richard F. Cornell. (Docket #1-3, #1-4). Mr. Cornell indicates in his affidavit that he was retained to "ghostwrite" the petition filed in this case. (Docket #1-4, at p. 2). Good cause appearing, petitioner's motion to appoint Richard F. Cornell as counsel in this action is granted.

The petition shall be served on respondents and respondents shall file a response to the petition within 45 days, as set forth at the conclusion of this order. The Court notes that a petition for federal habeas corpus should include all claims for relief of which petitioner is aware. If

petitioner fails to include such a claim in his petition, he may be forever barred from seeking federal habeas relief upon that claim. *See* 28 U.S.C. §2254(b) (successive petitions).

**IT IS THEREFORE ORDERED** that the Clerk **SHALL FILE** the petition (Docket #1-1).

**IT IS FURTHER ORDERED** that petitioner's motion for procedural orders (Docket #1-2) is **GRANTED**.

**IT IS FURTHER ORDERED** that petitioner's motion to appoint Richard F. Cornell as his counsel in this action (Docket #1-3) is **GRANTED**.

**IT IS FURTHER ORDERED** that the Clerk shall **SEND** a copy of this order to the CJA Coordinator.

**IT IS FURTHER ORDERED** that the Clerk shall **ELECTRONICALLY SERVE** the petition (Docket #1-1) and all attachments upon the respondents.

**IT IS FURTHER ORDERED** that respondents shall have **forty-five (45)** days from entry of this order within which to answer, or otherwise respond to, the petition. In their answer or other response, respondents shall address all claims presented in the petition. Respondents shall raise all potential affirmative defenses in the initial responsive pleading, including lack of exhaustion and procedural default. **Successive motions to dismiss will not be entertained.** If an answer is filed, respondents shall comply with the requirements of Rule 5 of the Rules Governing Proceedings in the United States District Courts under 28 U.S.C. §2254. If an answer is filed, petitioner shall have **forty-five (45) days** from the date of service of the answer to file a reply.

**IT IS FURTHER ORDERED** that, henceforth, petitioner shall proceed through his counsel and shall not file documents in *pro per* unless otherwise ordered by this Court. Petitioner's counsel shall serve upon the Attorney General of the State of Nevada a copy of every pleading, motion, or other document he submits for consideration by the Court. Counsel shall include with the original paper submitted for filing a certificate stating the date that a true and correct copy of the document was mailed to the Attorney General. The Court may disregard any paper that does not include a

1 certificate of service. After respondents appear in this action, petitioner's counsel shall make such  
2 service upon the particular Deputy Attorney General assigned to the case.

3 DATED this 2nd day of November, 2010.



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7 LARRY R. HICKS  
UNITED STATES DISTRICT JUDGE